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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12 SACRAMENTO DIVISION

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14 **SPECIALTY EQUIPMENT MARKET**  
ASSOCIATION & PERFORMANCE  
15 RACING, INC.; NATIONAL TRUCK  
EQUIPMENT ASSOCIATION,  
16 Plaintiffs,  
17 v.  
18 **CALIFORNIA AIR RESOURCES**  
BOARD; STEVEN S. CLIFF, in his official  
19 capacity; ROBERT A. BONTA, in his  
20 official capacity; and DOES 1 through 25,  
21 Defendants.

2:24-cv-02771- TLN-AC

**STIPULATION AND ORDER TO  
EXTEND BRIEFING SCHEDULE  
FOR DEFENDANTS' MOTION TO  
DISMISS**

Courtroom: 2, 15th Floor  
Judge: Hon. Troy L. Nunley  
Trial Date: Not Set  
Action Filed: October 8, 2024

1       Under Local Rule 144, Plaintiffs Specialty Equipment Market Association & Performance  
2 Racing, Inc. and National Truck Equipment Association (collectively, Plaintiffs) and Defendants  
3 California Air Resources Board (CARB), Steven S. Cliff, in his official capacity, and Robert A.  
4 Bonta, in his official capacity, (collectively, Defendants) hereby stipulate to extend the deadline  
5 for Defendants to file a response to Plaintiffs' Complaint for Declaratory and Injunctive Relief,  
6 ECF No. 1 (Complaint) and to extend the briefing schedule for any motion(s) to dismiss  
7 Defendants may file, as follows:

- 8       1. Plaintiffs filed the Complaint in this action on October 8, 2024.
- 9       2. Defendants waived service, making their responsive pleadings due December 9,  
10 2024. ECF No. 4.
- 11       3. The parties previously sought and obtained an extension of time for Defendants'  
12 response to the Complaint and for briefing on Defendants' anticipated motion(s) to dismiss. By  
13 stipulation and order, this Court set a January 31, 2025 deadline for Defendants to respond to the  
14 Complaint. ECF 12. In the event Defendants moved to dismiss the Complaint, the Court also set  
15 March 14, 2025 as the deadline for Plaintiffs' opposition(s) and April 11, 2025 as the deadline for  
16 Defendants' reply/replies. *Id.*
- 17       4. Plaintiffs' Complaint targets a regulation adopted by CARB and referred to as  
18 Advanced Clean Fleets (ACF).
- 19       5. CARB had requested that the United States Environmental Protection Agency (EPA)  
20 waive Clean Air Act preemption for parts of ACF but has since withdrawn that request.
- 21       6. The parties are discussing the implications of the withdrawn waiver request for this  
22 litigation and believe it would be more efficient to continue those conversations than to proceed  
23 immediately with Defendants' responses to the Complaint and possible briefing on one or more  
24 motions to dismiss.
- 25       7. The parties therefore stipulate that the deadline for Defendants' responsive pleadings  
26 be extended to April 1, 2025 to provide the parties with more time for their ongoing discussions.

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1       8. The parties also stipulate that if Defendants file one or more motions to dismiss on or  
2 before April 1, 2025, Plaintiffs' opposition(s) would be due May 13, 2025; and Defendants'  
3 reply/replies would be due June 10, 2025.

4 || Dated: January 21, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MYUNG J. PARK  
Supervising Deputy Attorney General

11 || Dated: January 21, 2025

SIDLEY AUSTIN LLP

/s/ Caleb J. Bowers  
Caleb J. Bowers  
Attorney for Plaintiffs  
SPECIALTY EQUIPMENT MARKET  
ASSOCIATION & PERFORMANCE  
RACING, INC.; NATIONAL TRUCK  
EQUIPMENT ASSOCIATION  
(as authorized on January 21, 2025)

1 **ORDER**

2 Based on the foregoing stipulation of the parties, and for good cause shown, the time for  
3 Defendants California Air Resources Board; Steven S. Cliff, in his official capacity; and Robert  
4 A. Bonta, in his official capacity, to respond to Plaintiffs' Complaint, ECF No. 1, is hereby  
5 extended from January 31, 2025 to April 1, 2025. Should Defendants move to dismiss on or  
6 before that date, Plaintiffs deadline to oppose any such motion(s) is May 13, 2025; and  
7 Defendants deadline to reply is June 10, 2025.

8 IT IS SO ORDERED.

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10 Dated: January 21, 2025

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Troy L. Nunley  
Chief United States District Judge

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